

EXHIBIT D

4. On May 4, 2016, I spoke with counsel for Plaintiff, CGY Greenwich I LLC (“CGY”), to request the state of citizenship of the members of CGY, and, if any of CGY’s members were themselves limited liability companies or otherwise unincorporated associations, the states of citizenship of the ultimate members who were natural persons or corporations.

5. Despite CGY's counsel's indication that the requested information would be forthcoming, on May 11, 2016, CGY's counsel refused to voluntarily provide this requested information.

6. A true and correct copy of Noble's First Set of Interrogatories to CGY, dated May 12, 2016, is attached hereto as Exhibit 1.

7. A true and correct copy of CGY's Objections to Noble's First Set of Interrogatories, dated June 1, 2016, is attached hereto as Exhibit 2.

8. A true and correct copy of CGY's Amended Objections and Responses to Noble's First Set of Interrogatories, dated June 14, 2016, is attached hereto as Exhibit 3.

I declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the foregoing is true and correct.

Executed on June 19, 2016

Respectfully submitted,



David G. Liston

EXHIBIT 1

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

CGY GREENWICH I LLC,

Plaintiff,

- against -

NOBLE AMERICAS GAS & POWER CORP.,

Defendant.

Index No. 654493/2015

**DEFENDANT NOBLE
AMERICAS GAS & POWER
CORP.'S FIRST SET OF
INTERROGATORIES TO
PLAINTIFF CGY GREENWICH I
LLC**

Defendant Noble Americas Gas & Power Corp. ("Defendant"), by and through its attorneys of record, hereby submits this First Set of Interrogatories to Plaintiff CGY Greenwich I LLC ("Plaintiff") pursuant to the provisions of N.Y. C.P.L.R. art. 31.

PLEASE TAKE NOTICE that a copy of Plaintiff's answers in the form prescribed by N.Y. C.P.L.R. 3133(b) must be served upon the undersigned within twenty (20) days after the service of these interrogatories.

I. DEFINITIONS

The following terms are defined as follows:

1. The term "Unincorporated Association" shall refer to unincorporated associations, such as general partnerships, limited liability companies (LLCs), limited partnerships (LPs), professional corporations (PCs), limited liability partnerships (LLPs), business trusts, and other forms of business entities.

2. The term "Corporation" shall refer to legal entities that have been incorporated pursuant to the laws of a state of the United States or the laws of a foreign state.

3. “Person” includes the plural, as well as the singular, and means any natural person or individual, Unincorporated Association, business organization, partnership, Corporation (parent, subsidiary, or affiliate), governmental organization, or formal or informal group, subdivision or affiliate thereof.

II. INSTRUCTIONS

1. The provisions of N.Y. C.P.L.R. art. 31, as well as other applicable rules and the local rules of this Court relating to objections and claims of privilege apply and are incorporated by reference.

2. If you believe that any of these interrogatories cannot be responded to in full, or if you object in part, then respond to the fullest extent possible and as narrowed to conform to your objection(s).

3. These interrogatories are continuing in nature and require supplementary answers if you or your attorney obtain information or become aware of any facts which reveal that your prior answers were incorrect or incomplete at the time they were made and your answers are no longer correct or complete.

4. For purposes of interpreting or construing the scope of the interrogatories contained herein, terms contained in such interrogatories shall be given their most expansive and inclusive interpretation, including but not limited to the following:

- a. Construing the past tense of the verb to include the present tense and vice versa;
- b. Construing the masculine form to include the feminine form and vice versa;

c. Construing the term “date” to mean the exact day, month, and year if ascertainable; if not, the closest approximation that can be made by means of relationship to other events, locations, or matters; and

d. Construing negative terms to include the positive and vice versa. For example, the word “enforcement” should be construed to mean enforcement or lack of enforcement.

5. Unless otherwise stated, the time period encompassing these interrogatories is December 31, 2015.

6. These interrogatories and your sworn answers to same may be offered in evidence at the trial of the above case.

FIRST SET OF INTERROGATORIES

INTERROGATORY NO. 1: Identify each member of CGY Greenwich I LLC, and for each member provide the following information:

- i. if the member is a natural person who is a United States citizen, or is a citizen or subject of a foreign state who is lawfully admitted for permanent residence in the United States, the state of the United States in which the member is domiciled
- ii. if the member is a natural person who is a citizen or subject of a foreign state who is not lawfully admitted for permanent residence in the United States, the foreign state in which the member is a citizen or subject
- iii. if the member is a Corporation, the member’s place of incorporation and its principal place of business
- iv. if the member is an Unincorporated Association, identify each of its shareholders, members, and/or owners, and provide the information requested in this Interrogatory No. 1 for each of its shareholders, members and/or owners until each ultimate natural person and/or Corporation (and, as applicable, its domicile, citizenship, place of incorporation, and/or principal place of business) for that member is identified

ANSWER:

Dated: May 12, 2016

LEWIS BAACH PLLC

By: 
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ATTORNEYS FOR DEFENDANT
NOBLE AMERICAS GAS & POWER CORP.

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mschenker@foxrothschild.com

ATTORNEYS FOR PLAINTIFF
CGY GREENWICH I LLC

EXHIBIT 2

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

CGY GREENWICH I LLC,

Plaintiff,

-against-

NOBLE AMERICAS GAS & POWER CORP.,

Defendant.

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Index No. 654493/2015

**PLAINTIFF'S OBJECTIONS TO
DEFENDANT'S FIRST SET OF
INTERROGATORIES**

Pursuant to Rules 3101 and 3133 of the New York Civil Practice Law and Rules ("CPLR"), plaintiff CGY Greenwich I LLC ("CGY"), by and through its attorneys, Fox Rothschild LLP, responds to Noble Americas Gas & Power Corp.'s ("Noble") First Set of Interrogatories, dated May 12, 2016, as follows:

CGY's responses are subject to and without waiver of the following:

1. CGY's right to object on the grounds of competency, privilege, relevancy, materiality or any other proper ground to the use of any information provided in response to the interrogatory requests, for any purpose, in whole or in part, at any subsequent stage of this action or any other action.

2. CGY's right to object, on any and all grounds and at any time, to other requests or discovery procedures and devices involving concerning or relating to the subject matter of the interrogatories responded to herein.

3. CGY's right to supplement, revise, correct or clarify any of the objections and/or responses set forth herein.

GENERAL OBJECTIONS

1. CGY objects to each of these interrogatories to the extent that they seek

information that is beyond the scope of the CPLR.

2. CGY objects to each of the interrogatories to the extent that they seek information that is not material and necessary to the prosecution or defense of this action.

3. CGY objects to each interrogatory to the extent that it calls for, relies upon, assumes or otherwise relates to a legal conclusion or conclusions to be decided at a future date in this action.

4. CGY objects to each interrogatory to the extent that it seeks information that is protected from disclosure by the attorney-client privilege, work product doctrine, or seeks confidential or proprietary information that is not related to the prosecution or the defense of the claims in this action, or any other recognized privilege against disclosure of information.

5. CGY objects to each interrogatory to the extent that it seeks information from or with respect to persons who are not parties to this action.

6. CGY objects to Noble's definitions and instructions on the grounds that they are overly broad, impose an undue burden on CGY, and impose responses that are inconsistent with the CPLR.

SPECIFIC OBJECTIONS AND RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1: Identify each member of CGY Greenwich I LLC, and for each member provide the following information:

i. if the member is a natural person who is a United States citizen, or is a citizen or subject of a foreign state who is lawfully admitted for permanent residence in the United States, the state of the United States in which the member is domiciled

ii. if the member is a natural person who is a citizen or subject of a foreign state who is not lawfully admitted for permanent residence in the United States, the foreign state

in which the member is a citizen or subject

iii. if the member is a Corporation, the member's place of incorporation and its principal place of business

iv. if the member is an Unincorporated Association, identify each of its shareholders, members, and/or owners, and provide the information requested in this Interrogatory No. 1 for each of its shareholders, members and/or owners until each ultimate natural person and/or Corporation (and, as applicable, its domicile, citizenship, place of incorporation, and/or principal place of business) for that member is identified

RESPONSE: CGY objects to interrogatory no. 1 and its subparts because the information requested does not constitute matter material and necessary in the prosecution or defense of this action as required by CPLR 3101(a). CGY further objects to this interrogatory and its subparts because they seek information that is not reasonably calculated to lead to the discovery of admissible evidence. CGY further objects to this interrogatory and its subparts in that they call for legal conclusions.

Dated: New York, New York
June 1, 2016

FOX ROTHSCHILD LLP

By: 

Matthew J. Schenker, Esq.
100 Park Avenue, 15th Fl.
New York, New York 10017
(212) 878-7900

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

CGY GREENWICH I LLC,

Plaintiff,

-against-

NOBLE AMERICAS GAS & POWER CORP.,

Defendant.

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: Index No. 654493/2015
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: **VERIFICATION**
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I, David Munsky, being duly sworn according to law, depose and say:

1. I have been the Vice President of Project Development for Conergy Projects, Inc., since April 2015, an affiliate of the plaintiff CGY Greenwich I LLC.

2. I have read the foregoing Objections to Interrogatories and attest that the statements are accurate, true, and correct to the best of my knowledge and belief.

I affirm this 1st day of June, 2016, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that I am physically located outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.



David Munsky

EXHIBIT 3

CGY GREENWICH I LLC,

Plaintiff,

-against-

NOBLE AMERICAS GAS & POWER CORP.,

Defendant.

Index No. 654493/2015

**PLAINTIFF'S AMENDED
OBJECTIONS AND RESPONSES TO
DEFENDANT'S FIRST SET OF
INTERROGATORIES**

Pursuant to Rules 3101 and 3133 of the New York Civil Practice Law and Rules (“CPLR”), plaintiff CGY Greenwich I LLC (“CGY”), by and through its attorneys, Fox Rothschild LLP, submits its amended responses and objections to Noble Americas Gas & Power Corp.’s (“Noble”) First Set of Interrogatories, dated May 12, 2016, as follows:

CGY's responses are subject to and without waiver of the following:

1. CGY's right to object on the grounds of competency, privilege, relevancy, materiality or any other proper ground to the use of any information provided in response to the interrogatory requests, for any purpose, in whole or in part, at any subsequent stage of this action or any other action.
2. CGY's right to object, on any and all grounds and at any time, to other requests or discovery procedures and devices involving concerning or relating to the subject matter of the interrogatories responded to herein.
3. CGY's right to supplement, revise, correct or clarify any of the objections and/or responses set forth herein.

GENERAL OBJECTIONS

1. CGY objects to each of these interrogatories to the extent that they seek

information that is beyond the scope of the CPLR.

2. CGY objects to each of the interrogatories to the extent that they seek information that is not material and necessary to the prosecution or defense of this action.

3. CGY objects to each interrogatory to the extent that it calls for, relies upon, assumes or otherwise relates to a legal conclusion or conclusions to be decided at a future date in this action.

4. CGY objects to each interrogatory to the extent that it seeks information that is protected from disclosure by the attorney-client privilege, work product doctrine, or seeks confidential or proprietary information that is not related to the prosecution or the defense of the claims in this action, or any other recognized privilege against disclosure of information.

5. CGY objects to each interrogatory to the extent that it seeks information from or with respect to persons who are not parties to this action.

6. CGY objects to Noble's definitions and instructions on the grounds that they are overly broad, impose an undue burden on CGY, and impose responses that are inconsistent with the CPLR.

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INTERROGATORY NO. 1: Identify each member of CGY Greenwich I LLC, and for each member provide the following information:

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ii. if the member is a natural person who is a citizen or subject of a foreign state who is not lawfully admitted for permanent residence in the United States, the foreign state

in which the member is a citizen or subject

iii. if the member is a Corporation, the member's place of incorporation and its principal place of business

iv. if the member is an Unincorporated Association, identify each of its shareholders, members, and/or owners, and provide the information requested in this Interrogatory No. 1 for each of its shareholders, members and/or owners until each ultimate natural person and/or Corporation (and, as applicable, its domicile, citizenship, place of incorporation, and/or principal place of business) for that member is identified

RESPONSE: CGY objects to interrogatory no. 1 and its subparts because the information requested does not constitute matter material and necessary in the prosecution or defense of this action as required by CPLR 3101(a). CGY further objects to this interrogatory and its subparts because they seek information that is not reasonably calculated to lead to the discovery of admissible evidence. CGY further objects to this interrogatory and its subparts in that they call for legal conclusions. Notwithstanding the foregoing objections, CGY responds as follows: the sole member of CGY Greenwich I LLC is Conergy Projects, Inc., which is a California corporation with its principal place of business in Florida.

Dated: New York, New York
June 14, 2016

FOX ROTHSCHILD LLP

By: 

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